

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SABRINA PENCEAL, SHIREEF JONES,
KRISTY WALDRIP, CRYSTAL DRAHEIM,
ANDREA DURUISSEAU, LEANDRIA
GORDON, MARCUS HAYES, SHALINDA
MALONE, TARA MATHEWS, SHARI
MCFADDEN, DEDRA MEANS, JATERIA
WALKER, NIKITA PIERCE, LATACHA
STALLARD and DAWN SHIMKUS, Individually
and on behalf of others similarly situated,

Plaintiffs,

v.

EMPIRE BEAUTY SCHOOL INC., EEG INC.,
EEG LLC, CHIC SCHOOLS, INC., EMPIRE
EDUCATION GROUP, INC., FRANK
SCHOENEMAN, MICHAEL D. BOUMAN,
REGIS CORPORATION, and "John Doe Entities",
name fictitious, name and number unknown, all
conducting business as the Empire Education
Group,

Defendants.

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ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/23/14

Case No.: 13-CV-7572 (WHP)

STIPULATION

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Plaintiffs Sabrina Penceal, Shireef Jones, Kristy Waldrip, Crystal Draheim, Andrea Duruisseau, Leandria Gordon, Marcus Hayes, Shalinda Malone, Tara Mathews, Shari Mcfadden, Dedra Means, Jateria Walker, Nikita Pierce, Latacha Stallard, and Dawn Shimkus, individually and on behalf of others similarly situated ("Plaintiffs"), and Defendants Empire Beauty Schools, Inc., EEG Inc., EEG LLC, Chic Schools, Inc., Empire Education Group, Inc., Frank Schoeneman, Michael D. Bouman, and Regis Corporation ("Defendants") (Plaintiffs and Defendants, collectively referred to as the "Parties"), through their undersigned counsel of record, agree and stipulate as follows:

1. Plaintiffs filed their Second Amended Complaint ("SAC") on May 12, 2014.
2. On May 29, 2014, the Parties met and conferred regarding Defendants' proposed motion to dismiss Plaintiffs' SAC and concluded that additional time was warranted for Plaintiffs to consider filing a Third Amended Complaint ("TAC") which would address certain issues raised by Defendants' proposed motion to dismiss and potentially narrow the scope of Defendants' proposed motion.
3. The Parties therefore agreed and stipulated that Defendants would answer or otherwise respond to Plaintiffs' SAC on or before June 13, 2014.
4. However, having since considered the issues raised by Defendants' previously proposed motion to dismiss, Plaintiffs have decided that it would be appropriate to file a TAC to address those issues and narrow the scope of any proposed motion to dismiss by Defendants.
5. Named Plaintiff Dawn Shimkus shall comply with the written notice procedure set forth in the Florida Minimum Wage Act on or before June 13, 2014.
6. The Parties agree and stipulate that Plaintiffs are permitted to file and will file their TAC on or before July 7, 2014.
7. Defendants shall answer and/or otherwise respond to Plaintiffs' TAC on or before July 21, 2014.
8. The Parties agree and stipulate as follows concerning the Colorado state law claims set forth in Plaintiffs' SAC and which may be asserted in the TAC (and/or any subsequent amended Complaint) to be filed by the Plaintiffs:
 - (a) Since the pre-motion conference on March 21, 2014, the Parties have been unable to reach an agreement concerning the viability of the Colorado state law claims.

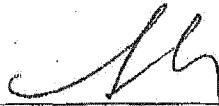
(b) However, the Parties have agreed to address the viability of the Plaintiffs' Colorado state law claims through Defendants' filing of a summary judgment motion at the appropriate time, rather than through Defendants' re-seeking of permission to file a proposed motion to dismiss on Plaintiffs' Colorado state law claims.

9. The Parties further request that this Court schedule a case management conference for October 2014 (and suggest the date of October 10, 2014) to follow the already scheduled July 11, 2014 case management conference.

10. The Parties shall continue to refrain from filing both summary judgment and class/collective certification motions until after the October case management conference.

SO STIPULATED.

BY:



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Attorneys for Defendants

*This Court will take up the issue
of an October conference at the
conference now scheduled for July
25, 2014.*

SO ORDERED:


WILLIAM H. PAULEY III U.S.D.J.

6/23/14